

CHRISTOPHER COOKE, CA Bar #142342  
STEPHEN S. WU, CA Bar # 205091  
COOKE KOBRICK & WU LLP  
177 Bovet Road, Suite 600  
San Mateo, CA 94402  
Email: ccooke@ckwlaw.com  
swu@ckwlaw.com  
Tel: (650) 638-2370  
Fax: (650) 341-1395  
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MEI-FANG LISA ZHANG, BAY AREA  
AFFORDABLE HOUSING, LLC, XUE-  
HUAN GAO, YANG-CHUN ZHANG,  
CAROL JIAN DENG, and HAO LIANG,

Plaintiffs,

vs.

WEI-MAN RAYMOND TSE, RUN PING  
ZHOU a.k.a. FLORA ZHOU, THERESA  
WONG, JAMES YU, BILL SHU WAI MA,  
MOLLY LAU, VICTOR SO, JIAN XIAO,  
CHRIST INVESTMENT SERVICE INC., CIS  
SERVICE, INC., PACIFIC BEST GROUP  
LTD. a.k.a. PACIFIC BEST COMPANY  
LTD., and SOUTH CHINA INVESTMENT  
INC.,

Defendants.

Case No.: C-07-04946 JSW  
(Related to C-05-02641 JSW)

**ADMINISTRATIVE MOTION FOR  
LEAVE TO ISSUE SUBPOENAS AND  
MOTION FOR EXTENSION OF TIME  
TO SERVE COMPLAINT**

Pursuant to Local Rules 7-11 and 6-3, and Fed. R. Civ. P. 6(b), Plaintiffs move this Court for (1) leave to issue subpoenas in aid of service of process on Theresa Wong and James Yu, and (2) an extension of time until March 31, 2008 to complete service of process on Ms. Wong and Mr. Yu, and in support thereof, states as follows:

1 **I. BACKGROUND**

2 This is an action, both in law and in equity, brought by victims of commodities fraud  
3 under the Racketeer Influenced Corrupt Organization Act (“RICO”) and the Commodity  
4 Exchange Act (“CEA”). In their Complaint, Plaintiffs state that they are individuals who  
5 invested large sums of money with Defendants for foreign currency futures trading, but  
6 Defendants’ businesses were wholly fraudulent, and Defendants stole Plaintiffs’ investments.

7 Plaintiffs filed their Complaint on September 24, 2007. Plaintiffs have diligently  
8 attempted to serve all the defendants in this case since filing their Complaint. They have served  
9 and filed returns of service for the following defendants: Wei-Man Raymond Tse, Run Ping  
10 Zhou a.k.a. Flora Zhou, Bill Shu Wai Ma, Molly Lau, Victor So, Jian Xiao, Christ Investment  
11 Service Inc., CIS Service Inc., and South China Investment Inc. They are preparing a return of  
12 service for Pacific Best Group Ltd. a.k.a. Pacific Best Company Ltd. The only remaining  
13 unserved defendants are Theresa Wong and James Yu. (*See* Declaration of Stephen Wu  
14 Supporting Administrative Motion for Leave to Issue Subpoenas and Motion for Extension of  
15 Time to Serve Complaint ¶¶ 2-14 [hereinafter “Wu Declaration”].)

16 As discussed in more detail in the Wu Declaration, many of the Defendants in this action  
17 have attempted to evade service of process. Theresa Wong has left the country on multiple  
18 occasions since her husband, Mr. Tse, was served. Plaintiffs believe she is still out of the  
19 country. (Wu Declaration ¶¶ 3-4, 8-11.)

20 Moreover, Mr. Yu stopped appearing at Defendants’ offices and Plaintiffs have been  
21 unable to find his home address. Plaintiffs believe that he works at the California Department of  
22 Motor Vehicles (“DMV”) but the DMV is unable to provide his home address without a  
23 subpoena. (Wu Declaration ¶ 12.)

24 To date, none of the Defendants has entered an appearance in this case, except for a letter  
25 from Defendant Molly Lau seeking a stay, which was granted. (Wu Declaration ¶ 15.)  
26 Therefore, Plaintiffs have been unable to meet and confer with Defendants about discovery or  
27 any other matters.  
28

**II. NEED FOR DISCOVERY CONCERNING THERESA WONG AND JAMES YU**

As set forth above, Plaintiffs have not been able to find the whereabouts of James Yu. Plaintiffs know that he works at a DMV office, but the DMV will not release his home address without a subpoena. Plaintiffs seek to serve the DMV with a subpoena seeking the address and other contact information for James Yu. Plaintiffs believe a subpoena is necessary to find James Yu so that he can be served with a copy of the Summons and Complaint.

Nonetheless, Fed. R. Civ. P. 26(d)(1) provides, “A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.” Because none of the Defendants has entered an appearance to defend this case, Plaintiffs have been unable to confer with Defendants as required by Rule 26(f). Plaintiffs, therefore, seek leave of the Court to issue subpoenas and otherwise conduct discovery to aid in locating the remaining unserved Defendants Ms. Wong and Mr. Yu, such as by serving a subpoena on the DMV to discover contact information for James Yu. Moreover, other discovery may be necessary to assist Plaintiffs in discovering the whereabouts of Theresa Wong and James Yu in order to complete service of process on them both.

Thus, Plaintiffs seek an order permitting them to conduct discovery from any third parties concerning the whereabouts of Theresa Wong and James Yu and other facts reasonably necessary in aid of completing service of process on them.

Pursuant to Fed. R. Civ. P. 26(d)(1), the Court has the authority to control the timing and sequence of discovery.

**III. NEED FOR EXTENSION OF TIME**

Under Fed. R. Civ. P. 4(m), Plaintiffs have 120 days to complete service of process on each defendant if they are to avoid dismissal without prejudice as to unserved defendants. 120 days from September 24, 2007, the date Plaintiffs filed their Complaint, is January 22, 2008.

Under Fed. R. Civ. P. 6(b)(1)(A), however, “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: with or without motion or notice

1 if the court acts, or if a request is made, before the original time or its extension expires.” In  
2 addition, Local Rule 6-3 permits parties to move the Court to seek to enlarge or shorten time.

3 Given Theresa Wong’s foreign travel and the difficulty in finding contact information  
4 concerning James Yu, Plaintiffs seek an extension of time from January 22, 2008 until March 31,  
5 2008 (a little over sixty days) to complete service of process on Ms. Wong and Mr. Yu.

6 Plaintiffs are unable to obtain a stipulation to the time change, because they have been  
7 unsuccessful to date in serving Ms. Wong and Mr. Yu, and none of the served Defendants has  
8 entered an appearance in this case.

9 Plaintiffs will be prejudiced if an extension is not granted because they will be unable to  
10 pursue two of the principals in Defendants’ fraudulent foreign currency futures trading scheme,  
11 Ms. Wong and Mr. Yu, if they are dismissed due in part to their efforts to evade service of  
12 process. Accordingly, Plaintiffs should be granted additional time to serve Ms. Wong and find  
13 Mr. Yu’s whereabouts.

14 Plaintiffs have asked for, and have been granted, no previous extensions of time in which  
15 to complete service of process on any Defendants.

16 Plaintiffs do not believe that an additional extension until March 31, 2008 will affect the  
17 schedule of this case.

18 The Court has authority under Fed. R. Civ. P. 6(b) and Local Rule 6-3 to extend the time  
19 in which Plaintiffs must serve Ms. Wong and Mr. Yu.

#### 20 21 **IV. CONCLUSION**

22 For the foregoing reasons, Plaintiffs respectfully request that the Court (1) grant Plaintiffs  
23 leave to issue subpoenas in this case to help them to determine the whereabouts of Theresa Wong

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1 and James Yu and (2) grant an extension of time until March 31, 2008 to complete service of  
2 process on defendants Theresa Wong and James Yu.

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4 Respectfully Submitted,

5 COOKE, KOBRICK, & WU LLP

6 Dated: January 10, 2008

7 /s/  
8 By: \_\_\_\_\_  
9 STEPHEN S. WU  
10 Attorneys for Plaintiffs  
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